

CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT)

Executive Planning Committee

Thursday, September 23, 2004

Stephen P. Clark Center

111 NW 1st Street

10th Floor Conference Room

1 p.m.

Summary of Minutes

MEMBERS PRESENT:

Marc A. Buoniconti, Chairman

Hon. Luis Morse, Vice-Chairman

Henry Lee Givens

LtCol Antonio Colmenares

Theodore Wilde

COUNTY ATTORNEY:

Bruce Libhaber

OTHERS PRESENT:

Nan A. Markowitz, Executive Director, OCITT

Patty David, OCITT

David Tinder, PWD

Marlene Amaro, OCITT

Pepe Valdes, OCITT

Virginia Diaz, OCITT

Patrice Rosemond, OCITT

Judy Seinder, CMO

Barbara Bravo, OCITT

Jack Furney, OCITT

Lourdes Gomez, MDT

Esther Fromela, MDT

Maria Arista-Volsky, CAO

John Prats, OCITT

ROLL CALL

Mr. Marc Buoniconti, Chairman of the Executive Planning Committee, called the meeting to order at 1:25 p.m.

APPROVAL OF MINUTES – June 23, 2004

Mr. Henry Lee Givens moved to approve the minutes. The motion was seconded by Mr. Morse and carried without dissent.

COMMITTEE REPORTS:

CHAIRMAN'S REPORT – MARC BUONICONTI

Mr. Buoniconti briefly mentioned that as a result of the U.S. District Court ruling, RFP 427a for the Financial Advisor has been put on hold. Ms. Markowitz, Executive Director, OCITT, added that a memorandum had been sent to Ted Lucas, Director, Department of Procurement Management (DPM), requesting that they reissue the RFP expeditiously. However, she noted that there are approximately 71 contracts that have also been impacted and the life and safety contracts are first priority. Mr. Givens suggested hiring a consultant from the current County pool to avoid further delays. Ms. Markowitz stated that she would inquire from DPM how long it would take to re-advertise the RFP versus how long would it take to access the County pool and report back to the committee. Mr. Buoniconti asked if a date had been set for the next meeting with Chairperson Barbara Carey-Shuler and Commissioner Moss. Ms. Markowitz responded that a tentative date has been scheduled for October 12, 2004, at 10 a.m. and once the meeting date has been confirmed she will notify the task force members (LtCol Colmenares and Luis Morse). Mr. Wilde asked who should attend the meeting. Mr. Morse stated that since the meeting is publicly noticed no one should be

discouraged from attending. Lastly, Mr. Buoniconti noted that he and a couple of other CITT members had attended the Grand Avenue Groundbreaking on September 22, 2004. He also mentioned that he spoke to the Brickell Key Homeowners Association about the People's Transportation Plan on September 23, 2004.

PROJECT REVIEW COMMITTEE – LTCOL ANTONIO COLMENARES

LtCol Colmenares reported that the PRC met on September 22, 2004. The Committee reviewed and forwarded with a favorable recommendation the nine (9) action items presented. LtCol Colmenares announced that the next PRC meeting will be held October 13, 2004, at 6 p.m., at Surfside City Hall. In addition, he stated that a site visit has been scheduled for October 1, 2004, for the City of Miami Beach and North Miami Beach and encouraged members to attend. Lastly, he mentioned that the revised By-Laws were presented to the full Trust members on July 28, 2004, for review and comments. The revised By-Laws will be on the full Trust agenda for approval September 30, 2004.

Mr. Buoniconti suggested that in order to streamline the contract approval process, all contracts should be submitted to the respective Committee Chairs, to determine if the contracts require review by their Committee. Mr. Buoniconti also mentioned that at the last Budget & Finance Committee meeting, members agreed to review only contracts that have been amended or contracts that will have a negative financial impact on the PTP. Ms. Markowitz mentioned that an executive summary, including the financial impact statement, has been added for each agenda item, so the entire contract is not necessary. However, all contracts will be available for any member wishing to review the contract. Ms. Virginia Diaz, Division Director, OCITT suggested that the scope of services should also be included in the executive summary. Members requested that the contract approval process checklist also be included in the agenda packages for each item.

LtCol Colmenares excused himself at 2:15 p.m.

BUDGET & FINANCE COMMITTEE – THEODORE WILDE

Mr. Wilde provided members with a written report (distributed) that included the following topics:

- Request for a written legal opinion from the County Attorney's Office regarding the CITT's lack of authority to approve MDT work plans
- Comments on the invoice/Workplan for MDT
- What is the role intended for the CITT to help achieve the objectives of the PTP?

EXTERNAL AFFAIRS COMMITTEE – HON. LUIS MORSE

Mr. Morse apologized for not being able to attend the External Affairs meeting on September 20, 2004, explaining he was not feeling well. Mr. Morse asked if staff could make a presentation on the CITT vacancy outreach effort to the full CITT on September 30, 2004. In addition, he would like for Lyn Harris, Governmental Affairs, and MDT to provide a presentation on the Federal/State Legislative update. Mr. Buoniconti suggested that it should be part of the External Affairs Committee report. Mr. Morse agreed that he would make the reports available at the meeting. Mr. Morse stated that 11 out of 33 municipalities did not have a transportation budget before the transit surtax was approved. That issue presents a legal problem because they do not have any transportation line items to compare to previous years. However, they did use other sources for transportation projects. Mr. Bruce Libhaber, Assistant County Attorney,

clarified that the Ordinance states, that as a condition of receiving the surtax funds, the municipalities must meet the following qualifications:

- Municipality must have existed before November 5, 2002
- Those municipalities are entitled to 20% of the Surtax proceeds
- Municipalities must submit a certified budget
- Municipalities must enter into an Interlocal Agreement
- Municipalities must submit a transportation plan and maintain the same level of support (Maintenance of Effort) that was in place prior to the November 5, 2002.

Mr. Libhaber further stated that some municipalities did not have a transportation department, and some of the monies for roads and street signs did not come from their general fund, but from other sources such as parking tickets. Therefore, those cities are under no obligation to maintain any level of funding and can get around the Maintenance of Effort (MOE) requirements. There was discussion regarding the municipalities' MOE, and Committee Members agreed that staff needs to continue to work with the municipal liaisons until everyone is in agreement prior to addressing it with the BCC.

Mr. Morse stated that in the future the issue may require amending the Ordinance creating the surtax so that not only general revenue funds, but also other sources be counted when determining a municipality's MOE, using the average level of funding over a number of years. Mr. Morse stated that he believes Trust members need to be aware of the issue.

Mr. Buoniconti said that it could be a topic for discussion at the October 12, 2004, meeting.

COMPLIANCE & OVERSIGHT COMMITTEE – HENRY LEE GIVENS

No report.

EXECUTIVE DIRECTOR - NAN A. MARKOWITZ

Ms. Markowitz mentioned that Faddeli Vioria of DMJM Harris, the transportation consulting firm that's working on the Golden Glades Project Development and Environmental Study requested to make a presentation before the full trust. Mr. Bouniconti asked staff to obtain further information for the purpose of their presentation. Ms. Markowitz proposed that full Trust and Committee meetings be held at the same time every month. Members agreed that it would help them with scheduling and provide consistency. In addition, Ms. Markowitz mentioned that a letter had been sent to the municipalities regarding hosting full CITT meetings, specifically with cable TV capabilities.

OLD BUSINESS

None

NEW BUSINESS

Request for Legal Opinion on CITT Powers

Mr. Libhaber stated that he had received a copy of Mr. Wilde's Budget & Finance Committee report in which Mr. Wilde requested a written legal opinion on the powers of the CITT. The request was based on the statements he made at the Budget and Finance Committee meeting on September 14, 2004, regarding MDT's Work Plans. He

asked if the request should be provided to the Budget and Finance Committee or to the full CITT. Mr. Wilde responded that it should be provided to the CITT members. Mr. Wilde further stated that it was his understanding that the Surtax funds were going to be kept in a separate fund until the CITT approved the distribution. However, it appears that is not case.

Mr. Libhaber mentioned that Mr. Givens had requested an amendment to the By-Laws as it pertains to a "tie vote" on contracts submitted to the CITT for approval. Mr. Libhaber referred to the Wackenhut Contract that received a "tie vote" at the July 28, 2004, full CITT meeting. He stated that the item was being heard again, as the By-Laws did not specify what to do in the event of a tie-vote. Mr. Givens suggested that if a tie vote occurs with a contract it should be forwarded to the BCC without causing any delay. The committee members agreed and Mr. Libhaber stated that he would provide the language to Patty David, CITT, Board Coordinator, to include in the amended By-Laws that will be voted on September 30, 2004.

CITT AGENDA

Members reviewed and approved the revised September 30, 2004, agenda.

ADJOURNMENT

The Executive Planning Committee meeting adjourned at 3:10 p.m.

*****MINUTES ARE IN SUMMARY FORM***
FOR VERBATIM TRANSCRIPTIONS OF THIS MEETING PLEASE REQUEST
COPIES OF THE TAPE FROM THE MIAMI-DADE OCITT AT 305-375-3481.**